

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Cardiac Science, Inc.,

Plaintiff,

v.

Koninklijke Philips Electronics N.V., et al.,

Defendants.

No. C05-707Z

ORDER

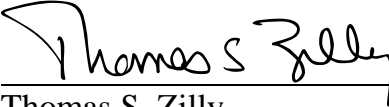
This matter comes before the Court on Third Party Quinton Cardiology's Motion to Quash Subpoena, docket no. 1, pursuant to Federal Rule of Civil Procedure 45(c). The Court, having fully considered all of the papers submitted in connection with this motion, hereby rules as follows:

1. The subpoena violates the terms of the scheduling order in Cardiac Science, Inc. v. Koninklijke Philips Electronics N.V., Civil Action No. 03-CV-1064 (D. Minn.).
2. The subpoena issued by Philips is QUASHED. The Court declines to stay this case until the Minnesota court decides Philips' motion to reopen discovery.
3. Quinton Cardiology's request for attorney's fees incurred in responding to the subpoena is DENIED.

1 This case is DISMISSED without prejudice and with costs.

2 IT IS SO ORDERED.

3 DATED this 26th day of April, 2005.

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6 Thomas S. Zilly
7 United States District Judge
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